

January 29, 2020

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS**

PLNZAD2020-00041



REQUEST:

A request for an administrative interpretation regarding a proposed hotel vacation rental to operate within an existing multi-family building. The building containing the multi-family units is located at approximately 341 S Rio Grande Street. The property is zoned D-3 (Downtown Warehouse/Residential District).

DECISION:

The Zoning Administrator finds that the proposed short-term rental is considered most similar to a "Hotel/Motel" use as defined in section 21A.62 of the Salt Lake City Zoning Ordinance. A Hotel/Motel use is a permitted use in the D-3 zoning district and is allowed at the proposed location.

This interpretation is specific to the proposed use as it relates to the Salt Lake City Zoning Ordinance. Additional requirements associated with the Hotel/Motel use may be required from other divisions, such as building services and the fire department, to comply with requirements for a change of occupancy.

FINDINGS:

As defined in 21A.12.050: The following standards shall govern the use interpretation:

A. *Any use defined in chapter 21.A.62 of this title, shall be interpreted as defined;*

Finding: Hotel vacation rental is not specifically identified by the code.

B. *Any use specifically listed without a "P" or "C" designated in the table of permitted and conditional uses for a district shall not be allowed in that zoning district;*

Finding: Hotel vacation rental is not specifically listed in the table of permitted and conditional uses within the D-3 district.

C. *No use interpretation shall allow a proposed use in a district unless evidence is presented demonstrating that the proposed use will comply with the development standards established for that particular district;*

Finding: The proposed use will comply with the development standards of the D-3 district. No use interpretation shall allow any use in a particular district unless such use is substantially similar to the uses allowed in that district and is more similar to such uses than to uses allowed in a less restrictive district;

D. *No use interpretation shall allow any use in a particular district unless such use is substantially similar to the uses allowed in that district and is more similar to such uses than to uses allowed in a less restrictive district;*

Finding: The use as a hotel vacation rental has been determined to be substantially similar to a hotel/motel use and is permitted in the D-3 district.

E. *If the proposed use is most similar to a conditional use authorized in the district in which it is proposed to be located, any use interpretation allowing such use shall require that it may be approved only as a conditional use pursuant to chapter 21.A.54 of this title*

Finding: Pursuant to the Land Use Tables (Section 21.A.33.050 of the Salt Lake City Code) hotel/motels in the D-3 district are allowed as a permitted use and are defined as follows:

HOTEL/MOTEL: An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, reception centers, and recreational facilities.

F. *No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of that zoning district.*

Finding: The purpose of the D-3 zone is as follows:

“The purpose of the D-3 Downtown Warehouse/Residential District is to provide for the reuse of existing warehouse buildings for multi-family and mixed use while also allowing for continued retail, office and warehouse use within the district. The reuse of existing buildings and the construction of new buildings are to be done as multi-family residential or mixed-use developments containing retail or office uses on the lower floors and residential on the upper floors. This district is appropriate in areas where supported by applicable master plans. The standards are intended to create a unique and sustainable downtown neighborhood with a strong emphasis on urban design, adaptive reuse of existing buildings, alternative forms of transportation and pedestrian orientation.”

The Zoning Administrator finds that the proposed use is similar to a Hotel/Motel use which is a permitted use in the D-3 zone, therefore, it has been determined through adoption of the D-3 land use table that the proposed use is consistent with the purpose statement of the D-3 zoning district.

If you have any questions regarding this interpretation, please contact Amy Thompson at (801) 535-7281 or by email at amy.thompson@slcgov.com.

APPEAL PROCESS:

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals are located on the Planning Division website at <https://www.slc.gov/planning/applications/> along with information about the applicable fee. Appeals may be filed in person or by mail at:

In Person: Salt Lake City Corp Planning Counter 451S State Street, Room 215 Salt Lake City, UT	US Mail: Salt Lake City Corp Planning Counter PO Box 145471 Salt Lake City, UT 84114-5417
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NOTICE:

Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, and a certificate of occupancy, subdivision approval, and a site plan approval.

Amy Thompson, Senior Planner



cc: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Greg Mikolash, Development Review Supervisor
Applicable Recognized Organizations
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